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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/827,097 | 04/19/2004 | Richard N. Codos | LPPT-13B2 | 1465 |
| 26875 | 7590 | 01/13/2005 | EXAMINER | |
| WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202 | | | TRAN, LY T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2853 | |

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/827,097 | Applicant(s) CODOS, RICHARD N. | |
| | Examiner Ly T TRAN | Art Unit 2853 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/21/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2853

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-10 and 12-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 10-18 of U.S. Patent No. 6,755,518. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of claims of the pending application are the same as the scope of the claim of the U.S. Patent 6,755,518.

With respect to claim 1 of pending application, the Patent 6,755,518 discloses all the limitation in claim 1.

With respect to claim 2 of pending application, the Patent 6,755,518 discloses all the limitation in claim 2.

With respect to claim 3 of pending application, the Patent 6,755,518 discloses all the limitation in claim 3.

With respect to claim 4 of pending application, the Patent 6,755,518 discloses all the limitation in claim 4.

With respect to claim 5 of pending application, the Patent 6,755,518 discloses all the limitation in claim 5.

With respect to claim 6 of pending application, the Patent 6,755,518 discloses all the limitation in claim 7.

With respect to claim 7 of pending application, the Patent 6,755,518 discloses all the limitation in claim 5.

With respect to claim 8 of pending application, the Patent 6,755,518 discloses all the limitation in claim 8.

With respect to claim 9 of pending application, the Patent 6,755,518 discloses all the limitation in claim 10.

With respect to claim 10 of pending application, the Patent 6,755,518 discloses all the limitation in claim 11.

With respect to claim 12 of pending application, the Patent 6,755,518 discloses all the limitation in claim 12.

With respect to claim 13 of pending application, the Patent 6,755,518 discloses all the limitation in claim 13.

With respect to claim 14 of pending application, the Patent 6,755,518 discloses all the limitation in claim 14.

With respect to claim 15 of pending application, the Patent 6,755,518 discloses all the limitation in claim 15.

With respect to claim 16 of pending application, the Patent 6,755,518 discloses all the limitation in claim 16.

With respect to claim 17 of pending application, the Patent 6,755,518 discloses all the limitation in claim 17.

With respect to claim 18 of pending application, the Patent 6,755,518 discloses all the limitation in claim 18.

2. Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 and 11 of U.S. Patent No. 6,755,518 in view of Wen et al. (USPN 6,092,890).

Claims of U.S. Patent 6,755,518 fails to teach the controller being operable to move the carriage and to operate the UV head.

Wen et al. teaches the controller being operable to move the carriage and to operate the UV head (Fig.1: element 20, 30, 50). It's well known in the art to have a controller to move the carriage and to operate the UV.

It would have been obvious to one having ordinary skill in the art at the time the invention was made have a controller to move the carriage and to operate the UV as taught by Wen et al. The motivation of doing so is in order to have a simple device and saving part.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT *lt*

January 4, 2005

MANISH SHAH
Primary Examiner